

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Servants – Allegations of demand and acceptance of bribe against Kolluri Samarnadh, Mandal Agriculture Officer, Ballikuruva Mandal, Prakasam District – Trapped on 29-07-2010 – Sanction of Prosecution – Orders – Issued.

AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT

G.O.MS.No. 211

Dated: 25-08-2011.

ORDER:-

Whereas Kolluri Samarnadh, Mandal Agriculture Officer, Ballikuruva Mandal, Prakasam District from 07-02-2009 to 29-07-2010 and by virtue of post held by him he falls under the category of Public Servant as defined Under Section 2 (c) of the P.C. Act, 1988.

2. Whereas Sri Medaramettla Hanumantha Rao, S/o. Venkteswarlu, aged 44 years, Pedda Ambadipudi Village, Ballikuruva Mandal, Prakasam District.

3. Whereas on 27-07-2010 at 11-30 hrs, the complainant Sri M. Hanumantha Rao came to the O/o. District Inspector, Anti Corruption Bureau, Ongole and lodged a written report stating that he ekes out his livelihood by cultivation. He along with his mother Smt. Narayanamma had applied to the Assistant Director, Agriculture, Martur for Vermi Compost big units in their village. Out of the Rs.40,000/- expenditure for big units the Government gives 50% subsidy and the remaining has to be borne by the applicants. Later his mother cancelled her application for the unit. He proceeded ahead and constructed the required shed by incurring Rs.32,000/- and in November, 2009 he gave a cheque to the Assistant Director of Agriculture, Martur for Rs.4,000/- towards supply of earth worms and in January, 2010 he was supplied with earth worms from Doddavarappadu. Later, in January, 2010 Sri Samarnadh, Mandal Agriculture Officer inspected his unit and took the measurements and also took his photographs along with him in front of the shed. Sri K. Samarnadh has to give grounding Certificate in respect of his unit. Upon issuing of the said Certificate, the Assistant Director of Agriculture, Martur issues cheque towards 50% Government subsidy amount of the total Rs.32,000/- incurred by him towards construction of sheds and pits. Sri M. Hanumantha Rao asked Sri K. Samarnadh about the Grounding Certificate and then Sri K. Samarnadh got used to postpone the same. Sri M. Hanumantha Rao met Sri K. Samarnadh 20 days prior to the trap and when asked about the Certificate he demanded Rs.2,000/- for it and suggested to get his work done by paying the bribe amount. On 26-07-2010, he met Sri K. Samarnadh at Assistant Director of Agriculture Office and requested to issue the Certificate for which he reiterated to pay the bribe amount of Rs.2,000/- failing which his work would not be done. Sri M. Hanumantha Rao as he was not willing to pay the bribe reported the matter for necessary action.

4. And whereas Inspector of Police, Nellore Range, Ongole verified the contents of report. On 29-07-2010 the Deputy Superintendent of Police, Anti Corruption Bureau, Nellore Range registered the report as a case in Cr. No.4/RCT.NPK/2010 Under Section-7 of Prevention of Corruption Act, 1988 of A.C.B., Nellore Range, Prakasam District and took up investigation. Pre-trap proceedings were conducted in the O/o. Inspector, ACB, Ongole on 29-07-2010 in the presence of two mediators, the other Inspectors, staff and Sri M. Hanumantha Rao. All the required formalities to be observed were complied with.

5. On 29-07-2010 left the A.C.B. Office, Ongole at 11-10 hrs in a Government Vehicle along with Sri M. Hanumantha Rao and reached Konidina Cross Road junction at Martur by 12-40 hrs. Sri M. Hanumantha Rao was allowed by the Deputy Superintendent of Police, ACB to go to Sri K. Samarnadh and to offer the tainted amount only on his further demand but not other wise and also instructed Deputy Superintendent of Police, ACB to Sri M. Hanumantha Rao to relay the pre arranged signal to the trap party members. The Deputy Superintendent of Police instructed Inspector, Head Constable and Police Constable 11 to follow Sri M. Hanumantha Rao and take vantage positions in the near by proximity and to pass the signal to other trap party members. Sri M. Hanumantha Rao went into the O/o.

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Assistant Director of Agriculture, Martur and met Sri K. Samarnadh and asked him to issue the certificate. On that Sri K. Samarnadh asked Sri M. Hanumantha Rao whether he brought the demanded bribe amount of Rs.2,000/-. When he informed that he brought the bribe amount to Sri K. Samarnadh took out his file from the almirah and asked him to bring four Photostat copies of proforma of subsidy applications as they needed five sets of application where as there was only one set available in the file. Saying so, Sri K. Samarnadh gave him empty format of applications to bring four Photostat copies and also gave him his motor cycle to go to the center for copies. Accordingly, Sri M. Hanumantha Rao went to the center and got four Photostat copies. Sri K. Samarnadh and Sri M. Hanumantha Rao have filled one copy of format each and two more copies are left unfilled. At that time Sri K. Samarnadh took him to the side of the staircase and demanded the bribe amount of Rs.2,000/- saying that he would complete his work. On that he paid the tainted amount of Rs.2,000/- and Sri K. Samarnadh received the same with his right hand counted the same with both hands and kept the same in his right side pants pocket and asked him to come next day to get his certificate and subsidy claim as the Asst. Director of Agriculture will be available. By the time Sri M. Hanumantha Rao went with Sri K. Samarnadh towards stair case one Ramana Murthy an Adarsh Rayuth came there and sat in front of the seat of Sri K. Samarnadh and left the office immediately on his motor cycle. Immediately, he came out from the office and gave pre-arranged signal. The Deputy Superintendent of Police received the signal of Sri M. Hanumantha Rao passed by Police constable rushed to the office of Asst. Director of Agriculture, Marture along with other trap members. On a chemical test got conducted by the Deputy Superintendent of Police and asked Sri K. Samarnadh to rinse his both hand fingers one after another in the solution. On doing so the colour of the solution turned into pink in colour. On that Deputy Superintendent of Police asked him whether he accepted any amount from Sri M. Hanumantha Rao for which Sri K. Samarnadh stated that he did not accept any amount from any body. Sri K. Samarnadh informed that Sri M. Hanumantha Rao has given him some amount which he rejected by pushing back with his hands and the amount was taken back by Sri M. Hanumantha Rao himself. Deputy Superintendent of Police confronted Sri K. Samarnadh with Sri M. Hanumantha Rao and both stuck to their own versions. On a chemical test got conducted by the Deputy Superintendent of Police, the inner linings of the right side pants pocket of Sri K. Samarnadh turned into pink colour. Deputy Superintendent of Police, questioned Sri K. Samarnadh once again about the positive result on the inner linings of right side pants pocket and about the tainted amount. Sri K. Samarnadh stick on his earlier version. Finally, at about 15-00 hrs Sri K. Samarnadh broke out saying that he demanded and accepted Rs.2,000/- bribe from Sri M. Hanumantha Rao and immediately gave it to Chintanippula Venkata Ramana Murthy who visited his office at the time of acceptance of bribe from Sri M. Hanumantha Rao at the place besides staircase. Further, he stated that he gave the amount to Ch. Venkata Ramana Murthy and sent him away as he was suspicious over the attitude of Sri M. Hanumantha Rao. Deputy Superintendent of Police asked Sri K. Samarnadh to call Ch. Venkata Ramana Murthy on his mobile from Sri K. Samarnadh mobile to come to the office along with tainted amount. Deputy Superintendent of Police also deputed Inspector, and Head Constable to locate whereabouts of Ch. Venkata Ramana Murthy. Sri K. Samarnadh repeatedly tried to contact Ch. Venkata Ramana Murthy on his mobile and finally he came into contact with him and asked him to come to the office along with the tainted amount of Rs.2,000/- given by him. At about 16-00 hrs Ch. Venkata Ramana Murthy attended the office before Sri K. Samarnadh and trap party members. Then Deputy Superintendent of Police ascertained his identity as Ch. Venkata Ramana Murthy, Ballikuruva Mandal. Then Deputy Superintendent of Police got prepared Sodium Carbonate solution in two glass tumblers and asked Ch. Venkata Ramana Murthy to rinse his both hand fingers in the solutions separately and on doing so both the hands resulted in pink colour. When questioned Ch. Venkata Ramana Murthy to narrate happenings that took place at the O/o. Asst. Director of Agriculture, Martur in the after noon, he stated that being an Adarsha Rythu he got used to visit the office and call on Sri K. Samarnadh regularly. On 29-07-2010 at 13-15 hrs he came to Sri K. Samarnadh office as usual and at that time Sri K. Samarnadh was with one Hanumantha Rao of Pedda Ambadipudi village at the place besides staircase and the said Hanumantha Rao left the office and Sri K. Samarnadh returned to his seat in the verandah which is surrounded by grills and gave him Rs.2,000/- asking him to keep the amount and to return the same afterwards. Accordingly, he went to his village and subsequently Sri K. Samarnadh contacted him on his mobile on which he returned to the office along with amount of Rs.2,000/- given to him. The Deputy Superintendent of Police asked the said Ch. Venkata Ramana Murthy to produce the amount before the mediators on that Ch. Venkata Ramana Murthy produced a wad of currency from his shirt pocket before mediators and both the mediators verified the currency notes and amounting Rs.2,000/- which tallied with the

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numbers of notes recorded in pre trap proceedings. The Deputy Superintendent of Police seized the above currency of Rs.2,000/- confirming the same as tainted amount. On the instructions of Deputy Superintendent of Police, Police Constable prepared Sodium Carbonate solution and subject the inner linings of the shirt pocket of Ch. Venkata Ramana Murthy to the solution, on doing so the solution turned into pink colour. The Deputy Superintendent of Police also seized the said shirt. Meanwhile the Inspector, Nellore and other staff returned to ADA office Martur. When the Deputy Superintendent of Police asked Sri K. Samarnadh about the papers pertaining to Sri M. Hanumantha Rao in connection with the vermi compost unit at Pedda Ambadipudi village of Ballikuruva Mandal, Sri K. Samarnadh produced a file containing ten sheets which was made into a made up file and out of the ten sheets five sheets are formats of applications for 50% subsidy for vermi compost grounded units. Three forms are found filled with particulars and the remaining two are unfilled. Receipt of Medarametla Narayanamma for cheque of Rs.4,000/- and copy of cheque of Andhra Pragathi Grameena Bank for Rs.4,000/-. The rest of the papers are statements of vermi compost units of Ballikuruva Mandal of 2009 and 2010. It is also noticed that Sri K. Samarnadh has recorded the measurements of pits and sheds of the vermi compost unit of Sri M. Hanumantha Rao. The certificates for the subsidy of Rs.16,000/- prepared by Sri K. Samarnadh are not signed which shows that official favour is pending with Sri K. Samarnadh. The Deputy Superintendent of Police, ACB, Nellore attested the above made up file and seized along with the other relevant records, material objects and Sri K. Samarnadh and Sri Ch. Venkata Ramana Murthy were arrested after explaining the grounds of their arrest and reduced the same under mediator report No.2.

6. And whereas the acts of Sri Kolluri Samarnadh constitute offences punishable under section-7, 13(2), read with 13(1) (d) of Prevention of Corruption Act, 1988 (Act of 49 of 1988).

7. “And whereas, the Government of Andhra Pradesh being the authority competent to remove the said Sri Kolluri Samarnadh, Mandal Agriculture Officer, Ballikurava Mandal, Prakasam District after fully and carefully examining the material documents viz., copy of FIR, copies of statements of witnesses, copies of documents and mediator reports and other material placed before me, in regard to the said allegations and circumstances of the case, consider that the said Sri Kolluri Samarnadh, Mandal Agriculture Officer, Ballikurava Mandal, Prakasam District should be prosecuted in a court of law for the said offences”.

8. Now, therefore in exercise of the powers conferred by clause (b) of Sub-section (1) of section 19 of the Prevention of Corruption Act, 1988 (Act of 49 of 1988), the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Kolluri Samarnadh, Mandal Agriculture Officer, Ballikurava Mandal, Prakasam District for the offences punishable under sections 7 and 13 (2) read with 13 (1) (d) of the Prevention of the Corruption Act, 1988 (Act of 49 of 1988) and for any other cognate offences punishable and for any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**(V. NAGI REDDY),
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director General,
Anti- Corruption Bureau,
A.P Hyderabad.